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Douglas Palmer

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EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,907

Applicant(s)

PALMER ET AL

Examiner

Annan Q Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07-23-02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 25 is objected to because of the following informalities: In claim 25, lines 4-5, it appears the phrase "a service synchronization module coupled to both the video display device and the video display device for..." should be changed to "a service synchronization module coupled to both the video display device and the telephone device." Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by **Strauss et al (5,790,173)**.

As to claim 1, note the **Strauss et al** reference figures 3 and 6-7, disclose advance intelligent network (AIN) having digital entertainment terminal or the like interacting with integrated service control point and further disclose method for managing telephone services through a HFC network (figs. 4A and 4B) platform having at least a video display device (TV 217' or 700') and a telephone device (Tel 219), the method comprising the steps of:

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the claimed "detecting an off-hook state of a telephone device at a network element..." is met by ADSL 701 Processor or Level 2 Gateway Processor (figs. 3, 4 and col. 13, lines 22-50, line 61-col. 14, line 19 and lines 47-56), note that ADSL 701 or L2 Gateway "a network element" located at or substantially near a Subscriber's premises or "residence" provides video signals and telephone signals to Digital Entertainment Terminal (DET) 700 or 217, PC 704 and Telephone Device or (Tel) 219 (see figs. 3 and 4) to the Subscriber premises, customizing various telephone services and access to broadcast programs to the subscriber (col. 18, line 62-col. 19, line 9 and col. 25, lines 20-31), and when the subscriber pick-up the telephone for incoming or outgoing call, during an in-progress television program, the ADSL 701 processor or L2 Gateway processor "detects an off-hook state of the telephone device," receives at ADSL 701 processor or L2 Gateway processor a set of digits from the telephone device; determines a service requested by the subscriber based on the received set of digits and controls TV 700' of DET 700 in association with the information associated with the requested service, controlling the duration of the call and automatically resuming from the point of the pause (col. 26, lines 13-29 and line 40-col. 27, line 3); note further that in other embodiments Optical Network unit (ONU) 210 or DET are gateways, which provides video signals and telephone signals to TVs and Tel. Devices in the subscriber premises (fig. 4B, col. 16, line 65-col. 17, line 8 and lines 26-44).

As to claim 2, Strauss further discloses muting the audio of the video display device during an OFF-hook state (col. 26, lines 47-55), note that since Strauss pause

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the video program for the duration of the telephone call the audio portion is automatically muted.

As to claim 3, Strauss further discloses where the requested service is a telephone call (col. 23, lines 30-58).

As to claim 4, Strauss further discloses where the requested service is a retrieval of call logs (col. 12, lines 35-57, col. 18, line 62-col. 19, line 9 and col. 20, lines 53-63).

As to claim 5, Strauss further discloses where the requested service is a directory service (col. 12, lines 35-57, col. 18, line 62-col. 19, line 9 and col. 20, lines 53-63).

As to claim 6, Strauss further discloses where the information displayed on the TV 700' is a telephone listing (col. 19, lines 5-37 and col. 20, line 53-col. 21, line 28).

As to claim 7, Strauss further discloses where the information displayed on TV 700' is a call progress status (col. 19, lines 20-33 and col. 27, lines 4-12).

As to claim 8, Strauss further discloses where the information displayed on TV 700' is a call state (col. 27, lines 4-12).

As to claim 9, Strauss further discloses where the information displayed on TV 700' is a list of callers (col. 23, line 35-col. 24, line 10).

As to claim 10, Strauss further discloses where the ADSL 701, DET 217, ONU 210, etc., is a communication gateway (col. 17, lines 27-44 and col. 26, line 50-col. 27, line 11).

As to claim 11, Strauss further discloses where the ADSL 701, DET 217, ONU 210, etc., is set-top box (col. 17, lines 27-44 and col. 26, line 50-col. 27, line 11).

As to claim 12, note the **Strauss et al** reference figures 3 and 6-7, disclose advance intelligent network (AIN) having digital entertainment terminal or the like interacting with integrated service control point and further disclose method for synchronizing the delivery of video and telephone services through an HFC platform (figs. 4A and 4B) having a video display device (TV 217' or 700') and a telephone device, the method comprising the steps of:

the claimed "receiving a control signal indicating an incoming telephone call...", "selectively interrupting the delivery of the video program to the video display device..." is met by ADSL 701 Processor or Level 2 Gateway Processor (figs. 3, 4 and col. 13, lines 22-50, line 61-col. 14, line 19 and lines 47-56), note that ADSL 701 or L2 Gateway "a network element" located at or substantially near a Subscriber's premises or "residence" provides video signals and telephone signals to Digital Entertainment Terminal (DET) 700 or 217, PC 704 and Telephone Device or (Tel) 219 (see figs. 3 and 4) to the Subscriber premises, customizing various telephone services and access to broadcast programs to the subscriber (col. 18, line 62-col. 19, line 9 and col. 25, lines 20-31), and when the subscriber picks up the telephone for incoming or outgoing call, during a video program, the ADSL 701 processor or L2 Gateway processor detects an off-hook state of the telephone device, and selectively pauses "interrupts" for the duration of the call and automatically resume from the point of the pause (col. 26, lines 13-29 and line 40-col. 27, line 3).

As to claim 13, Strauss further discloses resuming the delivery of the video program when the telephone call ends (col. 26, lines 47-64).

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As to claim 14, Strauss further discloses where the interruption, is performed by recording the video program into DET 217 or set-top box "a video recording device" (col. 26, lines 47-64)

As to claim 15, Strauss further discloses where the DET 217 or set-top box stores the video program in a segmented buffer (col. 17, lines 17-26 and col. 26, lines 47-64).

As to claim 16, Strauss further discloses DET 217 or set-top box interruption, is performed by pausing the video program (col. 26, lines 47-64).

As to claim 17, note the **Strauss et al** reference figures 3 and 6-7, disclose advance intelligent network (AIN) having digital entertainment terminal or the like interacting with integrated service control point and further disclose method for synchronizing the delivery of video and telephone services through an HFC telephone service platform (figs. 4A and 4B) having a video display device (TV 217' or 700') and a telephone device, the method comprising the steps of:

the claimed "receiving a control signal indicating an incoming telephone call...", and "displaying on the video display device a menu option providing an opportunity for the subscriber to synchronize the simultaneous reception of video and telephone..." is met by ADSL 701 Processor or Level 2 Gateway Processor (figs. 3, 4 and col. 13, lines 22-50, line 61-col. 14, line 19 and lines 47-56), note that ADSL 701 or L2 Gateway "a network element" located at or substantially near a Subscriber's premises or "residence" provides video signals and telephone signals to Digital Entertainment Terminal (DET) 700 or 217, PC 704 and Telephone Device or (Tel) 219 (see figs. 3 and 4) to the

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Subscriber premises, customizing various telephone services and access to broadcast programs to the subscriber (col. 18, line 62-col. 19, line 9 and col. 25, lines 20-31), and when the subscriber picks up the telephone for incoming or outgoing call, during a video program, the ADSL 701 processor or L2 Gateway processor detects an off-hook state of the telephone device, and selectively pauses "interrupts" for the duration of the call and automatically resume form the point of the pause (col. 26, lines 13-29 and line 40-col. 27, line 3), note further that the time stamp is stored at either video server or set top box or both depending on what system is used for pausing, resuming, etc., and further provides the subscriber with VCR functionalities and menu option or interactive services, synchronizing the simultaneous reception of video program(s) and the telephone call(s) (col. 23, lines 30-58 and col. 27, lines 37-61).

As to claim 18, Strauss further discloses where the synchronization, is performed by recording the video program into DET 217 or set-top box while the telephone call is in progress (col. 26, lines 47-64).

Claim 19 is met as previously discussed with respect to claim 15.

As to claim 20, Strauss further discloses where the synchronization, is performed by pausing the video program when the telephone call is answered (col. 26, lines 47-64).

Claim 21 is met as previously discussed with respect to claim 2.

As to claim 22, note the **Strauss et al** reference figures 3 and 6-7, disclose advance intelligent network (AIN) having digital entertainment terminal or the like interacting with integrated service control point and further disclose system for



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managing telephone services through a HFC network (figs. 4A and 4B) platform having at least a video display device (TV 217' or 700') and a telephone device (Tel. 219), the system comprising service manager coupled to the telephone device and the video display device whereby the service manager:

the claimed "detects an off-hook state of a telephone device;" "receives digits from the telephone device;" "determines the requested service by a subscriber based on the digits; and "controls the display on the video display device of information..." are met by ADSL 701 Processor or Level 2 Gateway Processor (figs. 3, 4 and col. 13, lines 22-50, line 61-col. 14, line 19 and lines 47-56), note that ADSL 701 or L2 Gateway "a network element" located at or substantially near a Subscriber's premises or "residence" provides video signals and telephone signals to Digital Entertainment Terminal (DET) 700 or 217, PC 704 and Telephone Device or (Tel) 219 (see figs. 3 and 4) to the Subscriber premises, customizing various telephone services and access to broadcast programs to the subscriber (col. 18, line 62-col. 19, line 9 and col. 25, lines 20-31), and when the subscriber pick-up the telephone for incoming or outgoing call, during an in-progress television program, the ADSL 701 processor or L2 Gateway processor "detects an off-hook state of the telephone device," receives at ADSL 701 processor or L2 Gateway processor a set of digits from the telephone device; determines a service requested by the subscriber based on the received set of digits and controls TV 700' of DET 700 in association with the information associated with the requested service (col. 26, lines 13-29 and line 40-col. 27, line 3), note further that the time stamp is stored at either video server or set top box or both depending on what system is used for

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pausing, resuming, etc., and further provides the subscriber with VCR functionalities and menu option or interactive services, synchronizing the simultaneous reception of video program(s) and the telephone call(s) (col. 23, lines 30-58 and col. 27, lines 37-61).

As to claim 23, Strauss further discloses where the service manager is part of a DET 217 or set-top box (STB) (col. 26, lines 47-64).

As to claim 24, Strauss further discloses where the service manager is part of a communication gateway (col. 17, lines 27-44 and col. 26, lines 47-64).

As to claim 25, note the **Strauss et al** reference figures 3 and 6-7, disclose advance intelligent network (AIN) having digital entertainment terminal or the like interacting with integrated service control point and further disclose system for synchronizing the delivery of video and telephone services through an HFC telephone service platform (figs. 4A and 4B) having a video display device (TV 217' or 700') and a telephone device, the system comprising the steps of:

the claimed "a service synchronizing module coupled to both the video display device and the telephone device for temporarily interrupting a delivery of a video program to the video display device..." is met by ADSL 701 Processor or Level 2 Gateway Processor (figs. 3, 4 and col. 13, lines 22-50, line 61-col. 14, line 19 and lines 47-56), note that ADSL 701 or L2 Gateway "a service synchronizing module" is coupled to DET 700 or 217, PC 704 and Telephone Device or Tel 219 (see figs. 3 and 4) and provides video signals and telephone signals to Digital Entertainment Terminal (DET) 700 or 217, PC 704 and Tel 219 (Subscriber premises devices), customizing various

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telephone services and access to broadcast programs to the subscriber (col. 18, line 62-col. 19, line 9 and col. 25, lines 20-31), and when the subscriber picks up the telephone for incoming or outgoing call, during a video program, the ADSL 701 processor or L2 Gateway processor detects an off-hook state of the telephone device, and selectively pauses "interrupts" for the duration of the call and automatically resume from the point of the pause (col. 26, lines 13-29 and line 40-col. 27, line 3), note further that the time stamp is stored at either video server or set top box or both depending on what system is used for pausing, resuming, etc., and further provides the subscriber with VCR functionalities and menu option or interactive services, synchronizing the simultaneous reception of video program(s) and the telephone call(s) (col. 23, lines 30-58 and col. 27, lines 37-61).

As to claim 26, Strauss further discloses where the service synchronization module further resumes the delivery of the video program after the telephone call is terminated (col. 26, lines 47-64).

As to claim 27, Strauss further discloses where the service synchronization module is part of a DET 217 or STB (col. 26, lines 47-64).

As to claim 28, Strauss further discloses where the service synchronization module is part of a communication gateway (col. 26, lines 47-64).

As to claim 29, Strauss further discloses where the service synchronization module interrupts the video program delivery by recording the video program into DET 217 or STB (col. 26, lines 47-64).

Claim 30 is met as previously discussed with respect to claim 15.

As to claim 31, Strauss further discloses where the service synchronization module interrupts the video program delivery by pausing the video program (col. 26, lines 47-64).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Archer (6,829,236) discloses system and method for providing automated directory assistance via the Internet and corresponding call completion within a telecommunications system.

Gerszberg et al. (6,222,520) disclose information display for a visual communication device.

Cohn et al. (5,940,489) disclose method and apparatus for detecting and recovering from call waiting interruptions to modem communications.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at 866-217-9197 (toll-free).



**Annan Q. Shang.**



**JOHN MILLER**  
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